

Remarks

Reconsideration of this Application is respectfully requested. In response to the Office Action mailed December 2, 2004, Applicant has amended the abstract, and claims 1, 2, and 5-13. Claims 3 and 4 have been cancelled without prejudice to or disclaimer of the subject matter therein. Claim 14 is added and is believed to contain no new matter. Claims 1, 2, and 5-14 are pending.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objection to the Specification

On page 2, the Action objects to the specification because of the length of the Abstract.

Accordingly, Applicant has amended the Abstract to overcome the objection. Applicant respectfully requests that the objection be withdrawn.

Objection to the Claims

On page 2, the Action objects to Claim 2 because of a typographical informality.

Accordingly, Applicant has amended the Claim as suggested and respectfully requests that the objection be withdrawn.

Rejections under 35 U.S.C. § 102

On pages 2-4 the Action rejects claims 1-2, and 5-10 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,317,783 to Freishtat et al. (hereinafter "Freishtat"). Applicant respectfully disagrees and traverses the rejection.

Applicant has amended claim 1, without prejudice or disclaimer, to now even more clearly indicate a novel aspect of the claimed invention. Claim 1, *as amended*, recites, *inter alia*:

A method for providing a secure data channel between a user and one or more associates, comprising:

- (a) receiving at a processing server, from the user, at least one of
 - user profile information,
 - a user identification,
 - a user acceptance, or
 - a hardware signature;
- (b) receiving pushed information from the associate, including at least one of
 - an update to said user profile information,
 - related information, or
 - personalized content for the user;
- (c) conveying, to the user, personal information including a selectable union of at least one of
 - said user profile information,
 - said related information, or
 - said personalized content; and
- (d) ***sharing access to said personal information to a family***, wherein said family comprises at least one of:
 - a plurality of users; or
 - a plurality of related users.

(emphasis added).

Applicant's invention provides for sharing access to the information to a family.

In contrast, as conceded by the Examiner, Freishtat only provides access to personal information to a single user. The Action notes at page 5, line 4, "Freishtat did not disclose sharing access personal information to a family and a plurality of users and plurality of related users." Applicants agree. Freishtat relates to a system for delivering personal information including a user store including end user data, a provider store including information provider data, a personal information store including personal information, and a processor communicating with the stores, whereby the processor selects *an* end user for which personal information is aggregated. See Abstract of Freishtat.

Applicant therefore believes claim 1 as amended for at least this reason is now in condition for allowance.

The Examiner at page 5 of the Action, with reference to U.S. Patent 5,555,303 to Stambler (hereafter “Stambler”), asserts that Stambler discloses “sharing access personal information to a family and parties, resulting in joint code method.” Applicant respectfully disagrees.

Stambler discloses a *transaction* system which creates a joint code to serve to authenticate *parties* to a *multi-party transaction*. See Abstract of Stambler, col. 1, lines 59-col. 2 line 25. The Abstract continues, “this joint code is then utilized to code information relevant to the transaction”. The Stambler system generates a joint key (or code) using information associated with at least one of the parties involved in a *transaction*, and the system uses the joint key to protect and authenticate the originator and recipient of the transaction. Stambler mentions that other information known jointly by the originator and recipient of a transaction, may be used to derive a variable authentication number (VAN), which codes information to be authenticated, based on information related to the recipient and information related to the originator. Stambler deals with a secure transaction between an originator and a recipient. There is no discussion of sharing access to the information to a family. Thus, Freistat, alone, or in combination with Stambler, then, does not teach or suggest all the elements of claim 1.

Further, there is no proper motivation to combine the teachings of Stambler with Freishtat as discussed below with reference to rejections under 35 U.S.C. Section 103, as the Examiner would be using Applicant’s Specification in hindsight to provide motivation to combine.

Claims 2, 5-9, and new claim 14, which depend directly from claim 1, are now also believed in condition for allowance because of their dependence on an allowable claim.

For at least the reasons given above with reference to claim 1, claims 10, 11, 12 and 13 are now also in condition for allowance.

Rejections under 35 U.S.C. § 103

On pages 4-9, the Action rejects claims 3-4, 11, 12, and 13 under 35 U.S.C. § 103(a) as being obvious over Freishtat, in combination with U.S. Patent 5,555,303 to Stambler (“Stambler”), U.S. Patent 6,057,835 to Sato et al. (“Sato”), U.S. Patent 6,484,196 to Maurille (“Maurille”), and Weinberger et al. (“Weinberger”), respectively. Applicant respectfully disagrees.

For reasons similar to those given for claim 1, Freishtat, alone or in combination with any combination of Stambler, Sato, Maurille, and/or Weinberger do not teach or suggest all the elements of the inventions of claims 11, 12 and 13, *as amended*.

With reference to claims 3 and 4, the Action asserts that Stambler “discloses sharing access personal information to a family and parties” at page 5. Applicant respectfully disagrees as noted above with reference to Claim 1. However, since Claims 3-4 are now cancelled without prejudice or disclaimer, the argument is moot.

Applicant further respectfully traverses the rejection as the Action fails to establish a *prima facie* case of obviousness. In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. § 2143. Applicant contends that the Action does

not establish a *prima facie* case of obviousness at least because the references do not provide any suggestion or motivation to combine the teachings.

For at least the following reasons, one of ordinary skill in the art would not be motivated to combine the references noted in the Action.

First, Freishtat and any of Stambler, Sato, Maurille, and/or Weinberger describe systems related to different technologies.

Freishtat relates to a system for delivering personal information including a user store including end user data, a provider store including information provider data, a personal information store and a personal information store, and a processor communicating with the stores. The processor selects *an* end user for which personal information is aggregated. Unlike Freishtat, Stambler relates to a *transaction* system which creates a joint code to serve to authenticate parties to a transaction. Sato on the other hand relates to *a user interface (UI) window management system* making it possible to collectively control multiple application programs by a common user interface. Maurille provides a system providing integrated combinations of *threaded instant messages*, bulletin boards, and email. Finally, Weinberger deals with *a passenger entertainment system*. The fact that these unrelated systems may have existed, does not make it obvious to combine two or more of them to allegedly obtain Applicant's claimed invention.

Second, the Action does not provide a proper motivation for combining Freishtat with any combination of Stambler, Sato, Maurille, and/or Weinberger. The Examiner is apparently using Applicant's Specification and Claims in hindsight as a roadmap to improperly arrive at Applicant's claimed invention. No proper suggestion to combine the references is given to teach or suggest combining the references.

Accordingly, Claims 1, 2, and 5-14 are now in condition for allowance and notification thereof is respectfully requested.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

Date: _____

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Ralph P. Albrecht
Registration No. 43,466
VENABLE LLP
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 344-4000
Telefax: (202) 344-8300

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